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**SEP 30 2008**

**OFFICE OF PETITIONS**

In re Application of  
Bjarne Due Larsen et al.  
Application No. 10/646,294  
Filed: August 22, 2003  
Attorney Docket No. **50412/021002**

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: DECISION ON PETITION  
: UNDER 37 CFR 1.78(a)(3)  
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This is a decision on the petition filed March 7, 2008, to amend priority under 37 CFR 1.78(a)(3), as set forth in the concurrently filed amendment and Application Data Sheet (ADS).

The petition is **DISMISSED** as inappropriate.


The filing of a petition under 37 CFR 1.78(a)(3) is inappropriate to delete a benefit claim. In this regard, petitioner's attention is directed to MPEP § 201.11(G), under the subheading Deleting Benefit Claims, which states:

The examiner should consider whether any new prior art may now be available if a benefit claim is deleted. If an applicant is submitting an amendment to the specification or an ADS to delete a benefit claim after final rejection or action, the amendment or ADS will be treated under 37 CFR 1.116 (see MPEP § 714.12 and § 714.13). If the amendment or ADS to delete a benefit claim is submitted after the application has been allowed, the amendment or ADS will be treated under 37 CFR 1.312 (see § MPEP 714.16).

In view of the above, no petition fees are due and none have been charged.

This matter is being referred to Technology Center AU 1654 for appropriate action on the amendment and ADS filed March 7, 2008, requesting deletion of the benefit claim.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

  
Anthony Knight  
Supervisor  
Office of Petitions